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Attorney Docket No. 97-4 (65304-020)

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OFFICE OF PETITIONS  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: McFarland et al.  
Serial No.: 08/941,170  
Filed: 09/30/97 re-filed CPA 12/13/99  
For: Potential Masking Systems And  
Methods For Combinatorial  
Library Synthesis

Group Art Unit: 1618

Examiner: Ricigliano

Box DAC  
Assistant Commissioner for Patents  
Washington, D.C. 20231

PETITION UNDER 37 C.F.R. § 1.183 TO CONFIRM FILING OF CPAOR IN THE ALTERNATIVETO CLARIFY THE RECORDOR IN THE ALTERNATIVEUNDER 37 C.F.R. § 1.137 TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION

Sir:

This petition is being filed with the appropriate fee under 37 C.F.R. § 1.183 in order to clarify the status of the above-identified patent application. Applicants believe that this petition is necessary for the written record to be clear that the application is properly pending in the U.S. Patent and Trademark Office. Applicants desire this clarified written record so that any issued patent on the above-identified patent application or continuations, divisionals, etc. therefrom cannot be disputed on this point.

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01 FC:122 130.00 CH  
02 FC:217 435.00 CH

The relevant chronology of events in this application that leads to this petition is as follows:

June 24, 1999	Final Office Action mailed
Sept. 24, 1999	After Final Amendment filed
Oct. 25, 1999	Advisory Action mailed
Nov. 9, 1999	Interview
Dec. 13, 1999	Continuing Prosecution Application filed, with Preliminary Amendment and request to charge all required fees under 37 C.F.R. §§ 1.16, 1.17 and 1.18 to a deposit account.

On January 12, 1999, the undersigned reviewed the file for this application and discovered that a three month request for an extension of time from the date of the final office action (June 24, 1999) to the date of the filing of the CPA (Dec. 13, 1999) had not been explicitly requested.

The undersigned contacted the Patent Office on January 12, 1999 and was informed that the CPA Preliminary Amendment had been entered and that the application had been sent to the Examiner for examination.

Applicants are unsure if the timely filing of the CPA was treated as a constructive request for an extension of time under 37 C.F.R. § 1.136(a)(3), given that authorization to charge all required fees under 37 C.F.R § 1.17 was provided in the CPA Request Transmittal.

If the CPA filing was treated as a constructive request for an extension of time, then Applicants request that any required fees be charged to deposit account 50-0496.

If the CPA filing was not treated as a constructive request for an extension of time, then Applicants now explicitly request such an extension and request that any required fees be charged to deposit account 50-0496.

In the alternative, pursuant to 37 C.F.R. § 1.137(b), if this application has gone abandoned, Applicants request that the application be revived due to an unintentional abandonment. Applicants' filings and interview clearly indicate their intent to continue to prosecute this patent application. The required reply has already been filed (i.e., the Dec. 13, 1999 filing of the CPA with Preliminary Amendment). Applicants authorize charging the petition fee under 37 C.F.R. § 1.17 to deposit account 50-0496. Any delay in filing the required papers was unintentional.

Respectfully submitted,



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Date: Jan. 18, 2000

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